

Sixth Appellate District

San Jose, California

TUESDAY, MAY 27, 2008

H031071 IDEAL HOMES v. WILLIAM DENHOY, et al.

The trial court's order denying motion for attorney fees is affirmed (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed May 27, 2008

H032430 PEOPLE v. DAVIS

The order denying the petition for writ of coram nobis is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 27, 2008

H031604 PEOPLE v. CAMEL

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 27, 2008

The following cases are submitted this date:

H031346 MOORE-ALI v. WOODFORD, et al.

H031632 MOORE v. RIMMER, et al.

H030913 SOUSA on Habeas Corpus

The order granting Sousa's habeas petition is reversed and the Board's 2004 decision denying parole is reinstated. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed May 27, 2008

Sixth Appellate District

San Jose, California

WEDNESDAY, MAY 28, 2008

H031434 MILLS on Habeas Corpus

The case is remanded to the superior court with directions to modify its order granting the prisoner's petition for writ of habeas corpus and remanding the matter to the Board of Parole Hearings for a new hearing. The order shall be modified to direct the Board of Parole Hearings to hold a new parole hearing in accordance with due process; to consider all relevant, reliable information available to the Board as required by California Code of Regulations, title 15, section 2402, subdivision (b); to afford individualized consideration of all parole suitability and unsuitability factors (see *ibid.* & *id.*, subds. (c), (d)); and, if parole is denied, to articulate reasons for finding the prisoner unsuitable for parole. The hearing shall be held by July 28, 2008. As modified, the order is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed May 28, 2008

THURSDAY, MAY 29, 2008

H031489 PEOPLE v. YOUNG

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed May 29, 2008

H031343 PEOPLE v. DANIEL S.

The order making Daniel S. a ward of the court and committing him to the custody of the Department of Juvenile Facilities is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed May 29, 2008

H031994 PEOPLE v. MARCHESE

The judgment is reversed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed May 29, 2008

H031651 PEOPLE v. SOQUE

The trial court's order of June 1, 2007, imposing an indeterminate term of commitment as a sexually violent predator, is reversed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 29, 2008

Sixth Appellate District

San Jose, California

Thursday, May 29, 2008 (continued)

H031609 PEOPLE v. HOWARD

The trial court's order of June 1, 2007, imposing an indeterminate term of commitment as a sexually violent predator, is reversed.

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 29, 2008

FRIDAY, MAY 30, 2008

H030832 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed May 30, 2008

H031244 PEOPLE v. PETERSON

The appeal is dismissed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 30, 2008

H030946 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 30, 2008

H032114 CYPRESS SEMICONDUCTOR CORPORATION v. SUPERIOR COURT OF SANTA CLARA COUNTY; SILVACO DATA SYSTEMS

Let a peremptory writ of mandate issue directing respondent court to vacate its order granting plaintiff's motion in limine to exclude evidence pertaining to defendant's statute of limitations defense and to enter a new order denying the motion. The temporary stay order issued on October 10, 2007, shall remain in effect until this opinion is final. Costs in this original proceeding are awarded to petitioner. (published)

(Premo, Acting P.J.; We concur: Elia, J., Duffy, J.)

Filed May 30, 2008

H031781 PEOPLE v. VASQUEZ

The \$70 AIDS education fine as well as the \$119 penalty assessment are stricken. As amended, the judgment is affirmed. The trial court is directed to amend the abstract of judgment and forward a copy to the Department of Corrections forthwith. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 30, 2008

Sixth Appellate District

San Jose, California

Friday, May 30, 2008 (continued)

H030444 SIMPSON STRONG-TIE COMPANY, INC. v. GORE et al.

Appellant's request for rehearing is denied. Filed
modification of opinion with no change in the judgment.
(published)

(Rushing, P.J. and Premo, J.)

Filed May 30, 2008